

REMARKS/ARGUMENTS

Applicants have received the Office Action dated March 26, 2008, in which the Examiner: 1) rejected claims 1-5 and 7-40 under 35 U.S.C. § 102(a) as being allegedly anticipated by Smith et al. (U.S. Pat. No. 6,477,703, hereinafter "Smith"); and 2) rejected claim 6 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Smith. With this Response, Applicants have amended claims 1, 10, 17, 18, 23, 30, 33 and 35.

I. REJECTIONS UNDER 35 U.S.C. § 102(a)

In Smith, a tool, remote from the computer system on which a patch is to be installed, performs the activity specified in Smith. For instance, the remote tool determines which patch is to be loaded on the target computer system. See e.g. col. 2 lines 6-36; col. 3 lines 5-20. In Smith, the computer system to which the patch is to be applied does not make the determination as to which patch is to be applied.

The claims have been amended to clarify a distinction over Smith. The distinction is that claimed "target device" is the entity that identifies if a recommended patch has been applied on the target device and, if not, applying the patch. For instance, amended claim 1 now requires "**the target device determining** if the at least one identified patch has been applied on the target device and, if necessary, applying the at least one identified patch on the target device." In Smith, only the remote tool, not the target computer system, determines which patches to apply. The same or similar amendments have been made to the other independent claims. For at least this reason, all claims are in condition for allowance.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claim 6 depends from claim 1 and thus includes the limitations of claim 1. Claim 1 is allowable over Smith as explained above. The Examiner took Official Notice of a limitation in claim 6, but otherwise offered no additional prior art. Thus, claim 6 is allowable for at least the same reason as for claim 1.

III. CONCLUSION

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

/Jonathan M. Harris/

Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400